

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEOPLE OF THE STATE OF NEW YORK, by : 05 CIV. 9132(DLC)
ELIOT SPITZER, Attorney General of the :
State of New York, :
:
Plaintiffs, :
:
-v- :
:
JOHN CAIN and LUIS MENCHACA, :
:
Defendants. :
:
-----X

INJUNCTION

DENISE COTE, District Judge:

Upon consideration of the complaint, plaintiffs' motion for a preliminary injunction, and the hearing held on that motion, the Court finds that plaintiffs have shown by a preponderance of the evidence that they will suffer irreparable harm if injunctive relief is not granted and a likelihood of success on the merits, and that they are entitled to injunctive relief under the Freedom of Access to Clinic Entrances Act, 18 U.S.C. § 248, Section 79-m of the New York Civil Rights Law, and the New York state law of public nuisance. It is therefore hereby

ORDERED that defendants, their agents and representatives, and all other persons, known or unknown, acting on their behalf or in concert with them, and receiving actual or constructive notice of this Order, are

1. Enjoined and restrained from
 - (A) blocking, impeding or obstructing any person who is or has been obtaining or providing reproductive health services, in that person's ingress to or egress from

the Planned Parenthood of New York City Margaret Sanger Center, located at 26 Bleecker Street, New York ("Sanger Center" or "Center") in the Southern District of New York;

(B) physically abusing, grabbing, touching, pushing, shoving, or harassing persons approaching, entering or leaving, working at or using the services of the Center;

(C) yelling or shouting on Mott Street between Bleecker Street and Houston Street or on Bleecker Street between Mulberry Street to the Bowery; and

(D) threatening bodily harm to any person approaching, entering or leaving, working at or using the services of the Center.

2. Further enjoined and restrained from being present in or on any portion of the sidewalk or curb on the east side of Mott Street within a buffer zone that extends thirty feet, two inches to the north and eighteen feet to the south of the entrance to the Center, and otherwise as such buffer zone is demarcated on the diagram attached hereto and made a part hereof as Exhibit 1. Defendants will be permitted to pass through the buffer zone for the sole purpose of entering and exiting an area measuring three feet wide by twenty-two feet, eleven inches long (the "Demonstration Corridor"), as indicated on Exhibit 1,

but will not be allowed to engage in any advocacy, "counseling," protest, or demonstration while in the buffer zone.

3. Further enjoined and restrained from inducing, directing, aiding or abetting in any manner, others to take any of the actions described in paragraphs 1 or 2, above.

IT IS FURTHER ORDERED that this Order may be enforced by a motion for criminal and/or civil contempt.

IT IS FURTHER ORDERED that each person found in violation of this Order, in addition to any criminal contempt penalties assessed, shall be jointly and severally liable for actual damages incurred by plaintiffs or any facility at which a violation occurs or by any person who is injured by such a violation, and shall be jointly and severally liable for all attorneys' fees and related costs incurred by plaintiffs in relation to the enforcement of this Order.

IT IS FURTHER ORDERED that, except as set forth herein, nothing in this Order shall be construed to limit defendants and those acting in concert with them from exercising their legitimate rights under the First Amendment of the United States Constitution.

IT IS FURTHER ORDERED that nothing in this Order shall be construed to supersede or diminish the obligation of federal, state, and local law enforcement authorities to fulfill their duties and responsibilities in enforcing federal and state laws and local ordinances; and

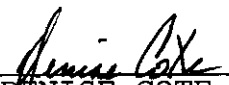
IT IS FURTHER ORDERED that nothing in this Order shall be

construed to limit or interfere with the ability of federal, state, and local law enforcement authorities to take, if necessary, additional measures under the law, above and beyond the restrictions contained in this Order, to maintain order and keep the peace.

IT IS FURTHER ORDERED that this Order shall remain in full force and effect until modified by further Order, or until final resolution by this Court of the claims for permanent injunctive relief in the above-captioned matter.

SO ORDERED:

Dated: New York, New York
February 15, 2006



DENISE COTE
United States District Judge

EXHIBIT 1

**Uptown
Subway
Entrance**

BLEECKER STREET

14'4"

28'8"

12'8"

22'11"

3'0"

30'2"

8'7"

5'0"

13'0"

18'0"

Clinic Entrance

**PLANNED
PARENTHOOD**

MOTT STREET

23'5"

SCALE

0

feet

100

tree